

Overview of Ordinance Research

April 2019

Our research into nuisance ordinances in municipalities in New Mexico and Arizona, 47 in all, focused primarily on weeds, inoperable vehicles, and storage of materials. We also researched relevant state statutes and sections of the International Property Management Code.

New Mexico and Arizona statutes define a public nuisance. New Mexico statute specifically authorizes municipalities to further define and abate a nuisance and to impose penalties on those who create or allow a nuisance to exist.

New Mexico statute and most municipalities frame a nuisance in terms of public health, safety, or welfare, or interference with public rights. Arizona statute frames a nuisance in terms of interference with the comfortable enjoyment of life or property by a community or neighborhood. Some municipalities make reference to aesthetics and property values in their definitions.

Most ordinances offer detailed definitions of weeds, specifying noxious weeds, rank vegetation, invasive plants, unhealthful/harmful plants, and/or uncultivated plants. Of the 47 municipalities we examined, 16 municipalities set maximum heights less than 12 inches, 15 set heights of 12 inches, and only 4 (including Los Alamos) set heights greater than 12 inches. Some (12) municipalities did not specify heights. A few (3) municipalities set different heights by property zoning or by property size.

Storage of inoperable vehicles (historic) on private property is governed by state statute in New Mexico. Most (44) municipalities (including Los Alamos) specify that inoperable vehicles must be covered or screened from public view. Many (21) municipalities limit the timeframe for inoperable vehicle storage. Some (8) municipalities (including Los Alamos) limit the number of inoperable vehicles that can be stored on a property. A few (2) municipalities (including Los Alamos) vary the vehicle limit by property zoning. A few (2) municipalities limit the size and/or type of any vehicles that can be parked on a property. One (1) municipality limits the percentage of front yard space that can be used for parking any vehicles on a property.

Outside storage of materials is considered a nuisance in most (44) municipalities (including Los Alamos) because of the potential for harborage of insects, rodents, snakes, and other vermin. Municipalities generally prohibit accumulation of debris, junk, garbage, litter, refuse, rubbish, trash, and solid waste, and more specifically prohibit bedding and indoor furniture, household appliances and equipment, and construction and landscape materials.

In summary, the nuisance ordinances in other municipalities generally are more detailed and provide a rich resource from which Los Alamos can draw to improve the content and language of our ordinances.

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